UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,922	07/25/2001	Edward W. Kettler III	93-01-002	7343

7590 02/28/2005	**EXAMINER**
David G. Wille, Esq.	COLON, CATHERINE M
Baker Botts L.L.P.	

ART UNIT	PAPER NUMBER

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3623

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/915,922	KETTLER ET AL.
	Examiner	Art Unit	
	C. Michelle Colon	3623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*25 July 2001*</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*10/1/03*</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a Non-Final Office Action in response to the communication

received on July 25, 2001. Claims 1-25 are now pending in this application.

Information Disclosure Statement

2.   The examiner has reviewed the patents and publications supplied in the

Information Disclosure Statement (IDS) provided on October 1, 2003.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 14 recites the limitation "*the* application link…supplied

by SAP." [Emphasis added] There is insufficient antecedent basis for this limitation in

the claim. Although it is well known in the art that SAP has an application link enabling

facility, it is unclear whether Applicant is referring to a specific application link enabling

facility or a generic application link enabling facility. For purposes of examination,

Examiner is interpreting the application link enabling facility as a general function

supplied by an SAP server.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

As per the first prong of the test, for a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences) and therefore are found to be non-statutory subject matter. For a process claim to be satisfactory, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, method claims 1-13 merely recite the steps for maintaining data consistency in an enterprise resource planning system; however, the recited steps do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in person or by use of a pencil and paper and without the need of a computer or other technology.

As per the second prong of the test, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present

case, the claimed invention sends data to enterprise resource planning systems (i.e.,

concrete) to achieve data consistency among the systems (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result,

since the claimed invention, as a whole, is not within the technological arts as explained

above, claims 1-13 are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-25 rejected under 35 U.S.C. 102(e) as being anticipated by Snavely et

al. (U.S. 6,772,167).

As per claim 1, Snavely et al. discloses a method for achieving data consistency

an enterprise resource planning system, comprising:

receiving a first set of structural data (col. 6, lines 1-14 and 56-65; The system

receives requests from users through a client browser. The request includes receiving

structural data from the user to initiate some type of action, such as procurement

requisitions, etc.);

sending the first set of structural data to two or more enterprise resource planning systems (col. 6, lines 1-13; Figure 1; The user request (i.e., structural data) is distributed to servers in the server cluster as needed.);

wherein at least two of the enterprise resource planning systems are associated with a single business or related group of businesses (col. 6, lines 41-47; The servers are associated with enterprise resource planning systems such as accounting applications with an accounts payable business function.);

wherein each of the at least two enterprise resource planning systems maintains its own structural data (col. 5, lines 64-67; col. 6, lines 41-51; The system includes staging servers and dedicated servers to ensure data consistency.); and

wherein the sending of the first set of structural data is operable to cause each of the enterprise resource planning systems to create or change their own structural data (col. 5, lines 64-67; col. 6, lines 7-14; Data is replicated back and forth among the servers so that it is kept consistent.).

As per claim 2, Snavely et al. discloses the method of Claim 1, wherein the first set of structural data comprises structural data for a first contract wherein at least some transactions under the contract will be handled through a first profit center (col. 7, lines 29-37; col. 16, lines 63-67; The application server connects users to contract related information such as invoices paid (i.e., profit centers) and cost centers.).

As per claim 3, Snavely et al. discloses the method of Claim 1, wherein the first set of structural data comprises structural data for a first cost center associated with a first profit center (col. 7, lines 29-37; col. 16, lines 63-67; The application server

connects users to contract related information such as invoices paid (i.e., profit centers) and cost centers.).

As per claim 4, Snavely et al. discloses the method of Claim 1, wherein the first set of structural data comprises structural data for a first profit center (col. 7, lines 29-37; col. 16, lines 63-67; The application server connects users to contract related information such as invoices paid (i.e., profit centers) and cost centers.).

As per claim 5, Snavely et al. discloses the method of Claim 1, wherein the first set of structural data comprises data associated with the addition of a new contract to the at least two enterprise resource planning systems (col. 16, lines 43-49 and 60-67; The system allows authorized users to update contract information.).

As per claim 6, Snavely et al. discloses the method of Claim 1, wherein the first set of structural data comprises data associated changing of the structural data for a first contract for use in the at least two enterprise resource planning systems (col. 16, lines 43-49 and 60-67; The system allows authorized users to update contract information.).

As per claim 7, Snavely et al. discloses the method Claim 1, wherein first set of structural data comprises data associated with one of the following selected from the group consisting of:

the addition of a first profit center to the at least two enterprise resource planning systems (col. 9, lines 56-67; Figures 7-9; Users can create and update a commodity list, which includes expense, capital and resale accounts of commodities for sale (i.e., profit center).);

the changing of the structural data for a first profit center for use in the at least

two enterprise resource planning systems (col. 9, lines 56-67; Figures 7-9; Users can

create and update a commodity list, which includes expense, capital and resale

accounts of commodities for sale (i.e., profit center).);

the addition of a new cost center to the at least two enterprise resource planning

systems (col. 7, lines 29-37; col. 16, lines 60-67; Users can add and update cost center

data.); and

the changing of the structural data for a cost center for use in the at least two

enterprise resource planning systems (col. 7, lines 29-37; col. 16, lines 60-67; Users

can add and update cost center data.).

As per claim 8, Snavely et al. discloses the method Claim 2, wherein the

structural data for the first contract further comprises data identifying the location of the

first profit center in a plurality of hierarchies (col. 9, lines 56-67; col. 10, lines 54-67;

Figures 7-9; Commodity data can be identified in a hierarchy of families.).

As per claim 9, Snavely et al. discloses the method Claim 2, wherein the

structural data for the first contract further comprises data identifying the location of the

first profit center in at least one hierarchy (col. 9, lines 56-67; col. 10, lines 54-67;

Figures 7-9; Commodity data can be identified in a hierarchy of families.); and

wherein the creation or changing structural data for the first contract causes an

automatic update to the at least one hierarchy in the at least two enterprise resource

planning systems (col. 16, lines 56-67; Contract profiles are updated when commodity

data is changed (i.e., catalogs, purchase orders, etc.).).

As per claim 10, Snavely et al. discloses the method of Claim 9, wherein the creation or changing of the structural data for the first contract causes an automatic update to structural data associated with the first profit center and a first cost center associated with the first contract in the at least two enterprise resource planning systems (col. 10, lines 42-53; col. 16, lines 43-49 and 60-67; Contract profiles are associated with profit center and cost center data. Thus contracts are updated when profit and cost center data are altered.).

As per claim 11, Snavely et al. discloses the method of Claim 1, wherein the sending of the first structural data occurs nearly immediately after the first set of structural data was received where such first set of structural data comprises valid data (col. 6, lines 1-13; col. 8, line 66-col. 9, line 16; Figure 1; The user request (i.e., structural data) is distributed to servers in the server cluster as needed. The system further includes several validation routines to ensure valid data.).

As per claim 12, Snavely et al. discloses the method of Claim 1, wherein the sending of the first set of structural data occurs some time interval after the first set of structural data was received in accordance with a periodic update schedule (col. 5, lines 64-67; The data is replicated periodically throughout the servers.).

As per claim 13, Snavely et al. discloses the method of Claim 1, further comprising: sending the first set structural data to a general ledger system and a data warehousing system (col. 9, lines 10-16; col. 10, lines 30-67; The structural data input by a user connects to a general ledger system to access the appropriate account. The

general ledger system is further connected to an ERP system, which is connected to various database systems.).

As per claim 14, Snavely et al. discloses the method of Claim 1, wherein the at least two enterprise resource planning systems comprise SAP enterprise resource planning systems (col. 6, lines 10-11, 41-47 and 60-62); and

wherein the first set of structural data is sent to the at least two enterprise resource planning systems using the application link enabling facility supplied by SAP (col. 6, lines 7-14; Data is replicated using a bridge application.).

Claims 15-25 recite substantially similar subject matter as claims 1-14 above. Therefore, claims 15-25 are rejected on the same basis as claims 1-14 above.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hoffman, Thomas "Profits Centers vs. Cost Centers," *Computerworld*, August 2, 1999 [retrieved from Internet], discusses profits centers and cost centers; and

- Cason et al. (U.S. 6,681,229) discusses an ERP system using SAP.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-

4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

     703-872-9306   [Official Communications; including After Final communications labeled "Box AF"]

     703-746-7202   [For status inquiries, draft communication, labeled "Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.

SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623

cmc
February 16, 2005